

SEALEDFILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

OCT 01 2018

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DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH GOMEZ,

Defendant.

Case No. 2:18mj 549-DBP**FILED UNDER SEAL**

COMPLAINT

COUNT 1: DISTRIBUTION OF HEROIN;
21 U.S.C. 841(a)(1)COUNT 2: DISTRIBUTION OF HEROIN;
21 U.S.C. 841(a)(1)COUNT 3: CONSPIRACY TO
DISTRIBUTE METHAMPHETAMINE; 21
U.S.C. § 841(a)(1) and 21 U.S.C. § 846

Magistrate Judge Dustin B. Pead

Before Dustin B. Pead, United States Magistrate Judge for the District of Utah, appeared
 the undersigned, who on oath deposes and says:

COUNT 1

[Distribution of Heroin]

On or about May 30, 2018, in the Northern Division of the District of Utah,

JOSEPH GOMEZ,

the defendant herein, did knowingly and intentionally distribute a mixture or substance
 containing a detectable amount of heroin, a schedule I controlled substance within the meaning

of 21 U.S.C. § 812; all in violation of 21 U.S.C. § 841(a)(1); and punishable pursuant to 21 USC §841(b)(1)(C).

COUNT 2

[Distribution of Heroin]

On or about June 13, 2018, in the Northern Division of the District of Utah,

JOSEPH GOMEZ,

the defendant herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a schedule I controlled substance within the meaning of 21 U.S.C. § 812; all in violation of 21U.S.C. § 841(a)(1); and punishable pursuant to 21 USC §841(b)(1)(C).

COUNT 3

21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846
(Conspiracy to Distribute Methamphetamine)

Beginning at a date unknown, but no later than July 13, 2018 and continuing at least until July 31, 2018 in the Northern Division of the District of Utah,

JOSEPH GOMEZ,

the defendant herein, did knowingly and intentionally conspire, confederate, and agree with others known and unknown to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a schedule II controlled substance within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. §841(a)(1) and 21 U.S.C. § 846, and punishable pursuant to 21 U.S.C. §841(b)(1)(A).

TRAINING AND EXPERIENCE

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ["ATF"] at the United States Department of Justice and have been so employed since April of 2008. Prior to this position, I worked as an ATF Industry Operations Investigator between 2004 and 2008. I am a graduate of the Criminal Investigator Training Program and ATF Special Agent Basic Training program at the Federal Law Enforcement Training Center at Glynco, Georgia. I have received specialized training in the enforcement of federal firearm and explosive laws. In the course of my employment, I have attended numerous schools, trainings, and conferences related to gang and drug investigations. I am currently assigned to assist the Weber Morgan Narcotics Strike Force with firearm and narcotic investigations. In that capacity, I have directed and participated in numerous investigations involving the possession of firearms and narcotics. I have also participated in the execution of numerous search warrants involving various violations of federal and state law. I have been recognized in federal court as an expert witness regarding the interstate nexus of firearms and ammunition. I have been trained by ATF as a Mobile Extraction Technician to extract and analyze cell phone data. As a result, of my training and experience as an ATF agent, I am familiar with federal and state criminal laws.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on the facts set forth in this affidavit, I believe that there is probable cause that **JOSEPH GOMEZ** committed the offenses of Distribution of Heroin and Conspiracy to

Distribute Methamphetamine in violation of 21 USC §§ 841(a)(1) and 846.

PROBABLE CAUSE

1. The United States, including ATF, is conducting a criminal investigation of Joseph GOMEZ and Fabiola GARCIA regarding violations of 21 U.S.C. §§ 841(a)(1) and 846.

2. ATF received information that Joseph GOMEZ (DOB: 06/13/1989) has become major drug supplier in the Ogden metro area. ATF, FBI, and the Weber Morgan Narcotics Strike Force (WMNSF) have started a joint investigation.

3. On May 21, 2018, a WMNSF CI made arrangements to purchase heroin from Joseph GOMEZ on May 22, 2018. Agents made a plan to introduce ATF CI #17614 to GOMEZ through the WMNSF CI.

4. On May 22, 2018, ATF CI #17614 purchased approximately 24 grams of heroin from GOMEZ. The CI was wearing a video recording/transmitting device. The transaction monitored by agents. During the transaction, GOMEZ gave the ATF CI his phone number. Gomez later contacted the CI using two different phone numbers.

5. On May 30, 2018, ATF CI #17614 purchased approximately 26.53 grams of heroin from GOMEZ. The CI was wearing a video recording/transmitting device. The transaction monitored by agents.

6. On June 13, 2018, ATF CI #17614 purchased approximately 25.36 grams of heroin and 58.27 grams of methamphetamine from GOMEZ, Fabiola GARCIA (DOB: 12/17/1991), and Jesse LUCERO (DOB: 7/22/1981). The CI was wearing a video recording/transmitting device. The transaction monitored by agents. During the transaction the CI and GOMEZ met GARCIA at her residence. Over the video recording device, Agents

observed GARCIA retrieve the methamphetamine from a container and give the methamphetamine to GOMEZ, who then hands the methamphetamine to the CI.

7. On June 18, 2018, ATF CI #17614 made arrangements to purchase two firearms from GOMEZ for \$900.00.

8. On June 20, 2018, ATF CI #17614 purchased approximately 86.58 grams of methamphetamine from GOMEZ. The CI was wearing a video recording/transmitting device. The transaction monitored by agents. The CI and GOMEZ discussed purchasing firearms but GOMEZ did not have the firearms with him.

9. On July 31, 2018, ATF CI #17614 purchased approximately 438.9 grams of methamphetamine from GOMEZ and GARCIA. The CI was wearing a video recording/transmitting device. The transaction monitored by agents. During the transaction, GOMEZ and GARCIA had an additional one pound of methamphetamine. Agents observed both GOMEZ and GARCIA participating in the transaction. Agents attempted to have GOMEZ's vehicle stopped for traffic violations but GOMEZ fled from officers and crashed the vehicle. Officers found the additional pound of narcotics in and around the vehicle. GOMEZ and GARCIA had fled the scene of the accident and were not located.

10. After the accident, CI #17614 was not able to contact GOMEZ by phone. According to the CI, all three of GOMEZ's known phones were going directly to voicemail.

11. On August 22, 2018, Agents directed the CI to attempt contact with GOMEZ and/or GARCIA by going to GARCIA's last known addresses. Neither GOMEZ nor GARCIA were contacted. The CI asked the current resident to have GARCIA contact him/her.

12. On August 28, 2018, GARCIA contacted the CI from 801-691-8757. The CI stated that he was trying to get a hold of GOMEZ. GARCIA told the CI that she would have GOMEZ contact the CI.

13. On September 20, 2018, GOMEZ contacted the CI from 385-333-8282. GOMEZ told the CI that he wanted to meet and do another narcotic transaction.

CONCLUSION

4. Based on the aforementioned facts, I believe that there is probable cause that **JOSEPH GOMEZ** committed the offenses of Distribution of Heroin and Conspiracy to Distribute Methamphetamine, in violation of 21 USC §§ 841(a)(1) and 846.

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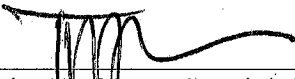
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5. I swear that this information is true and correct to the best of my knowledge, information, and belief. I further request a warrant for arrest be issued based upon the facts set forth herein.

DATED this 1st day of October, 2018.

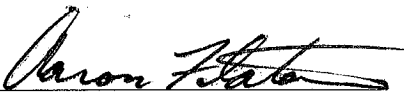

Tyler K. Olson, Special Agent
Bureau of Alcohol, Tobacco,
Firearms & Explosives

Subscribed and sworn to before me this 1st day of October, 2018.


DUSTIN B. PEARD
U.S. MAGISTRATE JUDGE

APPROVED:

JOHN HUBER
United States Attorney


AARON FLATER
Assistant United States Attorney